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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fifth session

Summary record (partial)* of the 327th meeting
Held at the Palais Wilson, Geneva, on Monday, 29 August 2016, at 3 p.m.

Chair: Mr. Brillantes

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* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 3.25 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention

Initial report of Honduras (CMW/C/HND/1; CMW/C/HND/QPR/1)

1. *At the invitation of the Chair, the delegation of Honduras took places at the Committee table.*

2. **Mr. Carranza Discua** (Honduras), introducing his country's initial report (CMW/C/HND/1) said that significant strides had been made in strengthening the legal framework and institutional infrastructure for the protection of the rights of both Honduran and foreign migrant workers. The National Congress had approved an agreement with the Office of the United Nations High Commissioner for Human Rights for the opening of a local office in Honduras, and it had ratified the Maritime Labour Convention of the International Labour Organization, granting seafarers access to social security and medical care in Honduras, a free repatriation service and other benefits. Following the implementation of the Act on the Protection of Honduran Migrants and Members of Their Families, protocols had been put in place for the provision of assistance to returning Honduran migrants, in particular child migrants. The Office of the United Nations High Commissioner for Refugees had signed agreements with the Directorate for Children, Adolescents and the Family and *Casa Alianza* on protecting children from forced recruitment and other forms of abuse and with the National Migration Institute on improving conditions for migrants requiring international protection. An amnesty had been declared relating to fines and charges imposed on foreign migrants in an irregular situation, who had been granted the right to regularize their situation in Honduras, and implementing regulations for the Trafficking in Persons Act had been adopted.

3. The Office of the Deputy Minister for Consular and Migratory Affairs and the Directorate-General for the Protection of Honduran Migrants had been set up to oversee the provision of consular services and protection. The Human Rights and Migrant Care Unit of the National Migration Institute had been created to provide humanitarian assistance and advice to migrants in an irregular situation and had helped to protect the rights of more than 40,000 such migrants to date. The Migration and Aliens Act was implemented in accordance with the Convention. Between 2010 and 2015, the number of non-documented migrants in transit through Honduras on their way to the United States of America had risen from 168 to more than 20,611. Safeguarding their rights had placed a heavy financial burden on Honduras. Four centres had been set up to house and assist such migrants, which had required an initial investment of over US$ 242,000 and would call for the allocation of around US$ 204,000 a year to meet ongoing maintenance costs.

4. No cases of abuse or violations of the human rights of migrants in transit through Honduras had been registered. The Public Prosecution Service had successfully carried out Operations *Coyote* and *Mesoamérica*, designed to tackle trafficking in persons, with 19 persons being sentenced to an average of 15 years' imprisonment for that offence in 2015. During the period 2015-2016, the Rapid Response Team and its civil society partners had assisted 75 victims of trafficking. The Ministry of Foreign Affairs and International Cooperation, through its offices in Belize, Mexico and Guatemala, had assisted 31 victims of trafficking for the purposes of labour and sexual exploitation. It had also assisted 10 Honduran victims wishing to remain in Mexico and had reunited a further 42 victims with their families. A national action plan for 2016-2022 had been prepared to guide activities aimed at combating trafficking in persons and an agreement had been signed with the Ministry of Development and Social Inclusion on secondary care for victims.

5. The Government provided migrant workers with information on their rights and obligations while abroad. Regulations had been introduced prohibiting recruitment agencies from charging job-seekers for their services. The General Labour Inspectorate had recruited an additional 64 inspectors to monitor the working conditions of documented workers and had set up workshops on labour migration and the informal economy for its officials. Since 2010, over 5,000 migrant workers had been registered and issued with documents.

6. The Solidarity Fund for Honduran Migrants disbursed US$ 5 million per year to assist Honduran migrants in difficult situations. The budget for the protection of Honduran migrants had increased by 68 per cent between 2014 and 2015. The Consular and Migration Observatory of Honduras had been set up in order to contribute to migration and consular policy design. Information campaigns had been conducted to raise awareness of the risks of irregular migration, leading to a 16 per cent drop in the number of Honduran migrants returned to the country in 2015. The Honduran consulates in Mexico and the United States had signed cooperation agreements with law firms for the provision of legal aid to Honduran migrants. A call centre set up to provide Honduran and foreign migrants with support had assisted over 98,000 persons in 2016. A migrant protection centre would be set up in Houston, Texas, by the end of 2016. Work was ongoing to issue all Honduran migrants in the United States, irrespective of their immigration status, with an identity document enabling them to access medical care, open a bank account and apply for a driving licence. That initiative would be expanded to cover Hondurans living in Mexico and Spain.

7. Three centres for returned migrants had been set up to provide information on social assistance, education and employment opportunities. To date, the Government had invested more than US$ 1.5 million in the three centres, which together had provided services for more than 40,000 persons, including 4,749 children. A number of social programmes had been launched to tackle poverty and discourage irregular migration, such as the "*Bono Vida Mejor*" cash transfer programme, which was designed to gradually increase the minimum income of 400,000 families living in extreme poverty. The State was currently implementing the Plan of the Alliance for Prosperity in the Northern Triangle, which was designed, inter alia, to create economic opportunities by boosting the productive sector. Over a two-year period, around 281,000 persons had been integrated into the labour market through a series of employment-promotion programmes. The 20/20 Programme, a joint public-private initiative worth US$ 13 billion, was expected to generate 600,000 jobs over a 10-year period. Through the "Institutional strengthening to promote decent work in Honduras" programme, the Government was working to tackle the causes of unemployment and underemployment as part of its strategy to address the problems that led Honduran young people to migrate to the United States.

8. **Mr. Ceriani Cernadas** (Country Rapporteur), observing that the migration situation in Honduras, and in Central America in general, was extremely complex and required a joint response by the various countries concerned, said that he would like information on what measures had been taken to align the Migration and Aliens Act of 2003 with the Convention. Information on any plans to adopt implementing regulations for the Act on the Protection of Honduran Migrants and Members of Their Families would also be welcome. In particular, he would like to know the target date for their adoption and whether civil society would be involved in drawing them up. He would also like more detail on the mechanisms and resources for the implementation of the Act, on any plans for training in how to deal with specific issues, such as the search for migrants who had disappeared in transit, and on how civil society would be involved in implementing the Act.

9. Noting that the Protocol on the Immediate Protection, Repatriation, Reception and Follow-up of Child Migrants of 2014 provided for alternatives to repatriation, he asked what special procedures had been put in place in cooperation with authorities in Mexico

and the United States in order to ensure that Honduran child migrants were dealt with on a case-by-case basis, with due regard to their best interests, any family ties they might have in the United States and any violence they might have experienced. It would be useful if the delegation could inform the Committee of any initiatives undertaken to improve the consular protection offered to Honduran migrants abroad, in particular child migrants and migrants transiting through Mexico. He wished to know whether any additional resources had been allocated to that end. For example, had specialist staff, including staff trained in providing assistance to women and children, been hired to serve at consulates? Further information on the legal assistance provided to Honduran migrants, including children, would also be welcome.

10. It would be helpful to learn whether data on Honduran migrants who had been deprived of their liberty were collected systematically and, if so, whether the information was disaggregated by age, sex, reason for detention, reason for migrating and other variables. Was information also gathered on the conditions of their detention and the services to which they had access? He would be grateful for additional information on migrants who had gone missing, especially in Mexico. Had any initiatives been undertaken in cooperation with the Mexican authorities to investigate such cases and ensure that, in the event of a migrant's death, his or her family was kept informed of any developments and, if the migrant was found to have been murdered, had access to justice? He wished to know whether programmes had been set up to support migrant workers who had been victims of crime and their families, in particular the families of victims of mass murders in Mexico. It would also be helpful if the delegation could provide information on the outcomes and effectiveness of the programmes organized for migrants who had returned to Honduras with disabilities and on the effectiveness of the various policies adopted to combat the underlying causes of migration from Honduras.

11. He would appreciate information on the proposed allocation of the financial resources received from the United States in the framework of the Plan of the Alliance for Prosperity in the Northern Triangle. It would also be useful to know to what extent the Solidarity Fund for Honduran Migrants was financed through deductions from remittances sent home by Honduran migrants and whether the various policies adopted to benefit migrants were commensurate with the very high value of those remittances. More information on the regulatory framework on migrant workers advocated by the Central American Integration System, including its purpose and aims, would be welcome. He also wished to know whether mechanisms had been implemented to collect qualitative and quantitative data on regular migration both to and from Honduras. Lastly, he would be grateful for more information on measures taken to protect the rights of migrant workers present in Honduras, in particular temporary workers from Guatemala and Nicaragua.

12. **Ms. Ladjel** (Country Rapporteur) said that, while the State party report revealed the existence of a solid legal framework and evident political will to implement the Convention, it also indicated that there were difficulties, notably with regard to irregular labour migration. It would be useful if the delegation could provide more information on the Inter-Agency Operational Agreement on the Management of Organized Temporary Labour Migration Programmes, in particular with regard to the results of the programmes in which Honduran migrant workers had participated. She would also be grateful for an assessment of the Migrant Children Task Force established in July 2014, including some idea of its impact on social integration and information on any lessons learned that might help to dissuade children from migrating. It would be helpful if the delegation could comment on the reported lack of awareness of the Convention among both public officials and the general public. She would welcome more information on the detention of migrants in Honduras and wished to know whether Hondurans or foreigners who endangered the lives of migrants could be prosecuted under the Criminal Code. An assessment of the

effectiveness of the Strategic Comprehensive Care Programme for Honduran Migrant Children and Adolescents and Their Families 2015-2019 would also be appreciated.

13. **Mr. Tall** said that additional information on the implementation of article 14 of the Act on the Protection of Honduran Migrants and Members of Their Families would be welcome, including an account of any difficulties encountered and an assessment of its effectiveness. Paragraph 14 of the State party report stated that there was no record of violation of the rights of migrant workers, whereas paragraph 16 indicated that domestic legislation was being strengthened with a view to preventing abuse faced by migrants in transit to other countries. Those two statements appeared to contradict each other. Could the delegation provide clarification? He also wished to know what had happened to the 100 or so Haitian migrants who had recently been arrested near the Honduran border. Lastly, it had been reported that thousands of children had fled Honduras to escape from gang members who had forced them to sell drugs. Could the delegation provide an update on any measures taken to combat that problem?

14. **Mr. Kariyawasam**, observing that the current politicization of migration in the United States could have ramifications for the rights of migrant workers from Central America, said that it would be useful to learn what institutional arrangements had been put in place to enable the State party to respond to such regional developments. He would also welcome further information on any measures taken to ensure that unaccompanied children who had been returned to Honduras received the necessary assistance. In that connection, he wished to know whether the State party had any bilateral agreements with other countries in the region, especially Mexico and the United States, on the treatment of child migrants and, if so, what those agreements entailed. He also wondered whether the Government was working with civil society organizations to address the problems faced by migrant children, whether any mechanisms or institutions had been established to provide support to them and what measures had been taken to protect children from trafficking.

15. **Ms. Dicko** asked which governmental and non-governmental bodies had been involved in the preparation of the State party report. She also wished to know whether any agreements had been signed with prominent countries of destination on the social security rights of migrant workers.

16. **Ms. Landázuri de Mora** asked whether the overall impact of the temporary protected status agreement affording protection to Honduran migrants in the United States had been positive or negative and how the Government was dealing with any possible negative effects of the agreement on those migrants and their families.

17. **Mr. El Jamri** asked whether the protocol on the repatriation of unaccompanied minors covered migrant children in Honduras as well as Honduran migrant children abroad. He also wondered how responsive other States had been in establishing protections for migrant children in accordance with both the protocol and international instruments that required them to protect children present in their territory. Noting that poverty and violence were often cited as root causes of migration, he asked whether it was a common dream among Honduran families for one of their family members to migrate and live abroad and, if so, whether the responsibility of parents and society in that regard was acknowledged. He would also like to know what the State party was doing to raise awareness of the Convention among law enforcement officials and among migrant workers themselves. He would welcome information about the Government's expectations for its partnership with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras.

18. **Mr. Núñez-Melgar Maguiña** asked whether an agreement on the safe overland transport of returning migrants had been signed with countries other than Mexico. He requested further information about that agreement, including information about the

funding allocated for its implementation. He also wished to know more about the seed capital provided to promote the reintegration of migrants who had returned to Honduras. Noting the wide discrepancies in figures on the value of remittances from Honduran migrants abroad, he asked the delegation to provide reliable data in that regard, if available. He also wished to know about the impact of those remittances on the Honduran economy and whether there were any specific programmes in place to maximize their impact.

The meeting was suspended at 4.35 p.m. and resumed at 5.10 p.m.

19. **Mr. Aguirre Córdova** (Honduras) said that the Migration and Aliens Act predated the ratification of the Convention by Honduras. However, pursuant to the Constitution, the Convention took precedence over the Act, and even over the Constitution itself. The National Migration Institute had been established as an independent body responsible for coordinating the drafting of new legislation that was in line with international standards. OHCHR would provide technical assistance for that purpose. The tender process for the recruitment of a consultant to help draft the legislation was currently under way.

20. A fourth centre for the care of migrants in an irregular situation had recently been established. All four centres were now fully operational. They provided migrants with medical and psychological support and ensured that their fundamental rights were respected. In most cases, migrants remained at the centres for no more than 24 hours while the necessary paperwork was completed so that they could leave the country and continue their journey. In some cases, migrants who did not possess the necessary identification documents might stay at one of the centres for a few days until those documents could be issued. Such had been the case with some Haitian migrants, who had been arrested by the police for not holding proper identification. They had subsequently been referred to the Institute, which had helped them to obtain the necessary documentation. The Government had not received any reports of abuse of migrants in the centres by the authorities. It was aware, however, that the holding of migrants in the centres, even for a very short time, could be considered a form of detention, and the new migration legislation currently being drafted would specify the conditions of such detention and ensure that it was in line with the Convention.

21. **Ms. Amador** (Honduras) said that, in May 2012, an international and inter-institutional agreement had been signed on the exchange of information about missing migrants. The coordination mechanism established pursuant to that agreement was led by the Ministry of Human Rights, Justice, the Interior and Decentralization and included representatives of other government bodies as well as civil society organizations, such as the Committee of Families of Missing Migrants from El Progreso. The Ministry of Development and Social Inclusion carried out support and reintegration programmes aimed at discouraging irregular migration. In addition, multilateral and bilateral programmes were in place to improve channels for regular migration and to tackle the root causes of migration. One example was a programme of comprehensive care and social protection for vulnerable women, children and adolescents, including unaccompanied minors. The Ministry also focused on raising awareness among the general public about the risks associated with irregular migration.

22. Honduras had extended an open invitation to any special procedures mandate holders or other representatives of OHCHR who wished to visit the country, and in July 2016, the National Congress had approved the establishment of an OHCHR country office in Honduras. The Government was eager to make the most of its relationship with OHCHR so that it could benefit from the latter's experience and knowledge as it strove to implement the recommendations of the various human rights bodies. A special working group had been established in 2014 to ensure that the State fulfilled its obligations under international human rights instruments in a timely manner. That group comprised representatives of all three branches of the Government and of civil society. The Government had invited several

civil society organizations to take part in the preparation of the State party's report and was committed to working hand in hand with them.

23. **Mr. Villanueva** (Honduras) said that temporary migrant workers from neighbouring countries were recruited on a seasonal basis to work on coffee plantations, many of which were located near the borders, particularly in the Department of El Paraíso on the border with Nicaragua. There were no statistics available on the exact number of migrant workers recruited for such purposes, but the International Labour Organization had conducted a study on the working conditions of migrant workers in El Paraíso, the findings of which could be provided to the Committee. Honduras had signed agreements with Canada and Spain that provided for temporary employment of Honduran nationals. The aim of those agreements was to promote orderly migratory flows and curb irregular migration to the United States of America and Europe. Between 2007 and 2015, 581 Hondurans had been recruited under those agreements to work in agriculture and some service sectors. The number of beneficiaries of the Canadian programme had peaked in 2012; at the same time, migration to Spain had diminished owing to the economic and employment crisis in that country.

24. Private recruitment agencies were regulated by the Ministry of Labour and Social Security, which had strengthened its oversight capacity by hiring an additional 64 labour inspectors. Their role was to review the general working conditions of documented foreign workers and to ensure that recruitment agencies abided by the law and did not engage in prohibited practices, such as charging workers a fee for their services.

25. **Mr. Carranza Discua** (Honduras), replying to the question about migrant workers who had returned to Honduras with a disability, said that the Ministry of Labour and Social Security had launched a social inclusion and competitiveness initiative and an employment platform called "*Empléate Plus*" which was open to anybody with a disability and which had created over 150 jobs in the first six months of its existence.

26. **Ms. Medrano** (Honduras) said that, although implementing regulations for the Solidarity Fund for Honduran Migrants had not yet been adopted, the National Council for the Protection of Honduran Migrants, created pursuant to the Act on the Protection of Honduran Migrants and Members of Their Families, was empowered to formulate proposals, recommendations and bills with a view to implementing the Act. The Council had approved the budget proposed by the Ministry of Foreign Affairs for the establishment of the protection services to be provided to Hondurans living abroad and to returning migrants. Draft implementing regulations had been drawn up and would be reviewed and approved by the Council in due course. The Solidarity Fund was financed from the exchange rate applied to remittances from Honduran migrants.

27. The Government's policy was not necessarily to repatriate child migrants. It sought to strengthen existing mechanisms such as the Central American Minors — Affidavit of Relationship programme, whereby Honduran children and adolescents could be granted permission to emigrate legally to the United States. An agreement had been signed with the organization Kids in Need of Defense (KIND) to ensure that children housed in shelters in the United States received legal assistance. Children and adolescents who had been repatriated from the United States were provided with care at a special centre upon their return. Since the creation of the Migrant Children Task Force in 2014, the country had seen a significant fall in the number of the unaccompanied children and adolescents leaving the country. A safe return mechanism for Central American nationals had been established through a memorandum of understanding signed by El Salvador, Guatemala, Honduras, Mexico and Nicaragua. Between 2011 and 2016, 205,880 Hondurans had returned to the country by means of that mechanism. A proposed amendment to the memorandum of understanding would strengthen safeguards for vulnerable groups, including children and adolescents.

28. In respect of consular protection policy and mechanisms, Honduras had set up three new consulates at high-demand locations in Mexico and had allocated human and budgetary resources and vehicles in order to improve protection for Honduran migrants. Consular staff at various locations in Mexico and the United States had received training relating to the human rights of migrants, especially vulnerable groups, such as children and adolescents. That training had been supported by OHCHR and the International Organization for Migration. Honduras had also opened a consulate in Charlotte, North Carolina, in the United States and a further two consulates would be opened once approval had been received from the Government of the United States. With the support of the Solidarity Fund for Honduran Migrants, all consular offices had been strengthened in order to assist Hondurans abroad, particularly those in urgent need.

29. The Consular and Migration Observatory of Honduras had identified 1,105 Hondurans deprived of their liberty in Europe and in the Americas, of whom 82 per cent were men. They had been imprisoned for a variety of crimes, including murder, sexual abuse, drug offences, extortion, theft, kidnapping, and trafficking in persons. As to missing migrants, Mexico was the country in which the greatest number of Hondurans were known to have disappeared. Honduran consular officials worked with Mexican judicial officials and human rights and civil society organizations to address issues relating to migrants who had been deprived of their liberty, had disappeared or had been victims of crime. All Honduran consulates in Mexico and the United States had signed agreements with law firms for the provision of pro bono assistance on criminal, administrative and migration-related matters. To identify missing persons, Honduras had signed an agreement with the Argentine Forensic Anthropology Team, to which it had referred 358 cases. The remains of 23 Honduran nationals who had disappeared in Mexico and the United States had been identified on the basis of samples provided by family members.

30. **Mr. Ceriani Cernadas** said that he would be interested to learn whether Honduras had undertaken any bilateral initiatives with Mexico to ensure that protection measures were in place for Honduran migrants who encountered difficulties in that country. He wondered if the delegation could provide statistics on the phenomenon of repeat migration by children and adults who returned to Honduras. He would also welcome information on what was being done to address the causes of such repeat migration, for example by assisting returnees in finding employment. In addition, he would like to know whether any specific consular or legal measures had been taken, or bilateral agreements reached, with a view to ensuring that Honduran migrant children were not deprived of their liberty in Mexico or the United States. He also wondered whether any consular assistance was provided to prevent the automatic repatriation of Honduran migrant children from Mexico, for example in cases where the child was fleeing from a situation of violence in Honduras or was en route to join family in the United States. The delegation's statement regarding a reduction in child migration did not coincide with figures from Mexico, which indicated that the number of Honduran minors detained and repatriated had increased every year since 2011. He would appreciate clarification in that regard.

31. He would welcome additional information on the articles of the Labour Code that established that 90 per cent of jobs and 85 per cent of the wages paid by firms must go to Honduran nationals, thus placing limits on the employment and the pay of foreign workers in Honduras. It was unclear to him whether temporary protected status in the United States was open to all Honduran nationals or was reserved for victims of hurricanes or other extreme events, and he would appreciate clarification in that regard. He would also like additional information on whether there was any mechanism to enable the families of migrants who had been killed while outside the country to have access to justice and reparation. Additional detail on the initiatives and programmes for returned migrants with disabilities would also be welcome, particularly in terms of how successful they had been in enabling such persons to find employment. Lastly, he wished to know whether the training

for consular officials had been evaluated to determine whether it had led to any improvements in their capacity to provide legal assistance to Honduran migrants.

32. **The Chair** said the Committee had received information indicating that human rights defenders in Honduras faced serious threats to their safety and their lives. He invited the delegation to comment on those reports. The Committee would also welcome information on how unaccompanied children were able to reach the border.

The meeting rose at 6 p.m.